

To the Education Oversight Committee,

Thank you for taking the time to investigate the special education complaint process. My name is Joanne Darr. I have a 19 year old son who has received special education services since he was 6 months old. Alex received his certificate of completion for Brighton HS in June 2014. In May 2014, I filed a special education complaint with the Michigan Department of Education (case #14-00216). In a nutshell it involved falsifying IEP progress reports. Incorrect or false documentation leads to loss of services or inappropriate services being delivered. I was forced to file for mediation to restore appropriate services for my son, based on the falsified IEP progress report. The progress report through out the 2012-13 school year was marked as making moderate progress and that he was expected to achieve the goal at the end of the IEP year. Despite these progress markings, the goal had never been worked on throughout the entire IEP year. The 2013-14 IEP contained the same goal and Alex was given compensatory education to make up for the lack of working on goal the year before. I filed the complaint in May 2014 and the special education investigator dismissed the complaint because it occurred in the 2012-13 IEP and was past year since the lack of services happened. The fact that I was fighting to get the compensatory education which was not awarded until the 2013-14 school year was my priority over a state complaint. I'm not sure why schools can take their time making things right but parents filing complaints are under stricter deadlines. The Special Education investigation was able to dismiss falsification of data because the complaint passed the year deadline. It was never addressed. How convenient. Another part of my complaint was whether appropriate special education services were provided with the falsified documentation. The Special Education complaint was worded "whether the district developed, reviewed, revised the current IEP with 34CFR § 300.320. The investigation found that BAS was compliant because the IEP was written so services were written and services based on needs statement. Considering the progress reports were falsified, I find it difficult to understand how Alex's needs were addressed. BAS did academic/cognitive testing with Alex in Jan 2013. I found it quite confusing that with a FSIQ of 66 and a 50 point difference between his VIQ and PRI he was found not eligible for services as a student with a cognitive impairment nor was he eligible for services as a student with a learning disability. Quoting from the report **The 51-point difference between verbal and visual reasoning is highly unusual, occurring in less than 0.1% of the population.** The report also makes a note that Alex was on the honor roll but I have to wonder how that happens when a testing shows Alex's math skills in the 2%tile and his writing skills were in the 1%tile? Are BAS requirements so low, that anyone can make the honor roll? Or is this just another case of making a student "feel better about themselves"? Were are the services to make these grades meaningful? A student with any disability doesn't need just special education services offered to them. They need appropriate services that will allow them to make meaningful progress in school.

Sincerely,

Joanne Darr

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I am a special education attorney and former special education hearing officer who has handled many special education due process hearings and has filed numerous special education complaints on behalf of clients for over 20 years. Recently, there have been a number of detrimental changes in the manner in which complaints are addressed. Below is a summary of the issues with the special education complaint process that I have encountered:

- MDE personnel reduce and change the issues identified in the Complaint, which often results in elimination or watering down of the issues.
- MDE personnel often do not have the necessary knowledge and expertise in special education law. Once they gain the knowledge, they are often reassigned to other duties.
- MDE will not release documents submitted by school districts until after the Decision is rendered, which makes it impossible for the complainant to address inaccurate and misleading information and provide additional information while the complaint is still pending.
- ISD personnel have informed me and my clients that the final decision by MDE was not consistent with their findings and recommendations. ISD investigators have stated that they found and reported violations to the MDE, but the MDE decision finds compliance rather than violations.
- MDE will send issues back to the IEP team. Sending the matter back to the IEP team is not a remedy. If MDE finds that compensatory education or some other remedy is warranted, they should award it. In the context of a due process hearing, the Sixth Circuit Court of Appeals has held that delegating this authority to an IEP team is impermissible; delegation would, in effect, give school district personnel power to reduce or terminate compensatory education that is within the hearing officer's power and discretion to decide. *Fayette Co. v. L.M.*, 45 IDELR 95 (6<sup>th</sup> Cir.) *cert. denied*, 128 S. Ct. 693 (2007). Compensatory education is likewise within the authority of the complaints investigator and should not be delegated to the IEP team.
- MDE will not send a copy of the final decision to the attorney of record and often delays in sending the decision to the parents.

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I am opposed to the rule changes by the MI Department of Education regarding special education. These changes serve to weaken protections for children, particularly those who have autism or Asperger's syndrome by making eligibility more difficult. As we have seen from Sandy Hook and other tragedies, we need to be providing more support - not less - for these children else risk harm to society by leaving their mental health issues untreated. I urge you to block these backwards rule changes and sustain the protections our children enjoy and deserve presently.

Thank you for your consideration,  
Stephen Gulyas  
47578 Katherine Ct  
Plymouth, MI

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Thank you for your consideration,  
Stephanie L. Stotenbur

3023 Woodglen Street NW

Grand Rapids, MI 49504

To Whom It May Concern,

Were I able to attend this Oversight Meeting, I would be standing with Marcie Lipsitt demanding to know how the MDE has so grievously failed Michigan's special education students. Since moving back to Michigan 3 years ago I have been appalled by how far this state has gone down the drain. This failure has manifested itself most shamefully in our education system - especially so in the area of special education.

As the parent of a child with multiple learning disabilities I can attest to the difficulties we parents face on a daily basis. To add to our burden by denying our children the help they so desperately need and are federally guaranteed is unconscionable. That the MDE would refuse to take swift, effective action to correct this situation and outright fail to act when they are taken to task for their failure is beyond the pale of arrogance and indifference.

Trite but true, the children of today are the future, the leaders, the workers and if not educated appropriately, the burdens of our future.

We expect too little, provide too little and neglect the educational welfare of ALL students at our peril. Richard Branson, Albert Einstein and many other innovators of the present and past have learning disabilities. Will we squander the potential contributions to our world that the current generation of students who have learning disabilities can offer because we doomed them to underemployment, or worse, unemployability and subsequent lifelong dependence on government support because we failed to provide them the appropriate education they need to go on to become self-supporting, employable, tax-paying members of our world? Instead of continuously filling the pockets of the 1% we need to be forward-looking and prepare our children to participate fully in our future and prepare ALL of them now for the challenging world that awaits them.

The MDE must be held accountable for Michigan schools' failure to uphold the tenets of IDEA and provide every child a FAPE. Complaints must be effectively addressed and never allowed to be swept under the rug or arrogantly denied or ignored. The future of the state depends on the education of our children. While I am grateful for the help Mrs. Lipsitt has provided to my son in our very difficult quest to get him the education he deserves, it is shameful that I have had to hire her (which is a serious hardship since I am a disabled veteran living on a VA pension) in order to try to hold our school accountable. The failure of the schools here and the endless fight to get my son the help he needs and is entitled to is what makes me regret returning to Michigan the most. A person shouldn't have to choose between caring for their parents and providing for their children. Sadly, the pathetic state of special education in Michigan often leaves me feeling that I have sacrificed my children's education to return to Michigan to care for my parents. The citizens of Michigan are owed better and holding the MDE accountable for their misdeeds is a good first step in that direction.

Sincerely,

Andrea Rosser

Dear MI House Oversight Committee and Sponsors Rep. Tom McMillin and Rep. Ellen Lipton,

Filing a complaint with the MDE is an over whelming and intimidating process. I went to the MDE/Gov many times trying to figure out how to go about writing a complaint and who I would address the complaint to. I was unsure of the process and found little to no guidelines on the MDE site.

What brings a parent to want to write a complaint against the school in which they entrust their child's care everyday? I will tell you it is the lack of trust that brings parents to this process.

Special education parents must not only navigate the system of district politics and their culture, but we must also be able to tread the waters of the districts special education directors and hope that we are being thrown the right size life vest to save our children from going under. Filing the complaint comes when the vest we are given doesn't fit our individual child and no matter how we beg for help no one listens.

Will the MDE listen now? The MDE needs to make a parent friendly site that helps the parents with the steps required and the contact information clearly defined. As it is currently seen the site is anything but easy to navigate.

Our son deserves basic rights and we are lucky to have an advocate. Without her help and knowledge of the system I can say we never would have felt comfortable in writing our complaint. If I had not been able to address our issues properly, it would have been completely unfair for our son.

Investigating the complaint was a separate process that was equally as frustrating. All the complaints were legitimate but many were not deliberated even though they impact our son's school year currently. For example we would like to see mainstreaming increased along with an agreeable behavior plan. We were told that is a Due Process complaint and it was dismissed.

Our son's current IEP is completely illegible. It was not downloaded to MISTAR because of the hand written notes and MISTAR not having enough space in the program for extra characters. We were told by the MDE investigator there is no ruling that the IEP needs to be typed. Is there a ruling that the IEP needs to be legible?

Is the MDE Biased? Yes. We live on Grosse Ile and our son has been sent to the Huron School District, 18 miles from home. When we filed our complaint we were told that only the operating district would be responsible. I still have concerns about this and feel both districts are responsible. Our son has been placed off island to a district where we have no voting rights.

We cannot vote in the election of the Huron School Board who in turn hires the Superintendent. We can vote on Grosse Ile for that School Board, who in turn hires the Superintendent, but this school board and Superintendent William Eis show no legal or even personable accountability to our son because he does not attend Grosse Ile Schools. Grosse Ile Superintendent William Eis hasn't responded to meeting request by us. Not once but twice in the last few months. No accountability.

I question how our civil rights are not being violated here: Votes that don't matter and a matter of not being able to vote.

The Special Education Consortium that consist of the 4 district Grosse Ile, Flat Rock, Gibraltar, and Huron, are under the direction of retired Director Tom Arkwright who is now under contract for the districts. Tom Arkwright has no one over seeing his work unless parents file complaints with the MDE. Our consortium and other district's need an oversight committee looking in and keeping check and balance.

One person should not be in charge of the entire lot of life vests. Reminds me of a ship we all know of that had one person deciding how many life boats were needed. We know how that story ended.

Sincerely,

Kathleen McCartney